

IN THE COURT OF DISTRICT JUDGE, COOCH BEHAR

Present : **Subrata Ch. Polle**
District Judge

Misc. Judicial (Arbitration) Case No. 04 of 2019

33

22/08/2024

The record is put up today on prayer of learned counsels for the parties.

On consent of the parties, the record is taken up by treating the same as the matter of today's Cause List.

The application (IA No. 01 of 2024) for analogous hearing of the similar cases is taken up for hearing.

Sri Siddhartha Sarkar learned counsel appears for all the applicants under the list.

Sri Kumardeep Mukherjee represents the National Highway Authority of India in all cases under the list.

Sri Nitai Chandra Dey learned Government Pleader is present for the State of West Bengal under the list.

Now, the application is taken up for hearing.

In all cases under the list, the petitioners have challenged the award passed by the arbitrator in exercising the power vested under the National Highway Authorities Act.

All the cases mentioned under the table relate to the identical facts challenging the award of the arbitrator for enhancement of the compensation on account of acquiring land by the State. The impugned orders in question were passed on the identical land by way of acquisition.

Accordingly, for efficacious adjudication of the dispute in respect of the following cases, all the cases can be decided analogously to avoid further multiplicity of the cases.

Accordingly, the application No. 01 of 2024 is allowed and disposed of.

List of the cases :

1. Misc. Judicial (Arbitration) Case No. 49 of 2018.
2. Misc. Judicial (Arbitration) Case No. 53 of 2018.
3. Misc. Judicial (Arbitration) Case No. 54 of 2018.
4. Misc. Judicial (Arbitration) Case No. 41 of 2018.
5. Misc. Judicial (Arbitration) Case No. 40 of 2018.
6. Misc. Judicial (Arbitration) Case No. 38 of 2018.
7. Misc. Judicial (Arbitration) Case No. 36 of 2018.
8. Misc. Judicial (Arbitration) Case No. 35 of 2018.
9. Misc. Judicial (Arbitration) Case No. 34 of 2018.
10. Misc. Judicial (Arbitration) Case No. 33 of 2018.

(Contd....)

Contd. Order No. 33,
dated 28/08/2024

11. Misc. Judicial (Arbitration) Case No. 32 of 2018.
12. Misc. Judicial (Arbitration) Case No. 31 of 2018.
13. Misc. Judicial (Arbitration) Case No. 30 of 2018.
14. Misc. Judicial (Arbitration) Case No. 29 of 2018.
15. Misc. Judicial (Arbitration) Case No. 28 of 2018.
16. Misc. Judicial (Arbitration) Case No. 27 of 2018.
17. Misc. Judicial (Arbitration) Case No. 25 of 2018.
18. Misc. Judicial (Arbitration) Case No. 17 of 2018.
19. Misc. Judicial (Arbitration) Case No. 14 of 2018.
20. Misc. Judicial (Arbitration) Case No. 13 of 2018.
21. Misc. Judicial (Arbitration) Case No. 12 of 2018.
22. Misc. Judicial (Arbitration) Case No. 11 of 2018.
23. Misc. Judicial (Arbitration) Case No. 10 of 2018.
24. Misc. Judicial (Arbitration) Case No. 09 of 2018.
25. Misc. Judicial (Arbitration) Case No. 06 of 2018.
26. Misc. Judicial (Arbitration) Case No. 07 of 2018.
27. Misc. Judicial (Arbitration) Case No. 05 of 2018.
28. Misc. Judicial (Arbitration) Case No. 07 of 2019.
29. Misc. Judicial (Arbitration) Case No. 13 of 2019.
30. Misc. Judicial (Arbitration) Case No. 06 of 2019.
31. Misc. Judicial (Arbitration) Case No. 04 of 2019.
32. Misc. Judicial (Arbitration) Case No. 03 of 2019.

In all the cases, the Special Land Acquisition officer/State has failed to furnish the documents despite repeated directions for ascertaining compliance of section 34 (3) of the Arbitration and Conciliation Act, 1996. There is no material to show that the impugned award was communicated to the petitioners in all the cases. So, there is no date to begin the period of limitation.

All the applications as per the list above under section 34 of the Arbitration and Conciliation Act, 1996 have been filed within the period of limitation.

To avoid further complication, henceforth a common order will be passed in respect of all the cases. All the cases be posted in the Cause List on the same date. In the Cause List, all the cases will be mentioned as “Misc. Judicial (Arbitration) Case No. 49 of 2018 and other 31 cases” to enable the learned counsel for the parties to note the next date and purpose of the case.

Fix **18/12/2024** for oral hearing.

Inform the parties.

Sd/- S.C.Polle
**District Judge,
Cooch-Behar**